

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 14, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Deb Schorr, Vice Chair
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 7, 2006.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on February 7, 2006. Hudkins and Workman voted aye. Stevens abstained from voting. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, February 14, 2006.**

MOTION: Stevens moved and Hudkins seconded approval of all claims processed through February 14, 2006. Workman, Hudkins and Stevens voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding a proposed resolution requiring the inspection of existing wells and on-site wastewater treatment systems prior to the sale of property. (See Old Business Item 4A for correlating resolution.)

The Vice Chair reconvened the public hearing.

Scott Holmes, Division Manager of Environmental Health with the Lincoln-Lancaster County Health Department, stated they met with the Realtors Association of Lincoln regarding their concerns and have come to an agreement on the following:

- ▶ Exempt transfers of ownership between family members
- ▶ Exempting wells or systems which are less than three years old or those which have been inspected within the past three years
- ▶ Develop educational material to inform property buyers of risks involved with systems that aren't in substantial conformance, with the exception of inclusion of a waiver form regarding the purchase of property without an inspection
- ▶ Allowing a sale to proceed without an inspection due to inclement weather

Discussion followed regarding the fee for evaluation and review conducted by the Health Department.

Stevens asked if an inspection would be conducted if no residence existed on the property.

Holmes stated there would be an inspection.

Doug Rotthaus, Executive Vice President of the Realtors Association of Lincoln, appeared and gave a brief overview of a letter, dated February 13, 2006, from the Realtors Association of Lincoln (Exhibit 1) agreeing to the changes as outlined by the Health Department. Also submitted into the record was a motion to amend the proposed resolution (Exhibit 2).

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

3) **PUBLIC HEARINGS CONTINUED:**

- B. County Change of Zone No. 05086, from the Director of Planning at the request of the Lancaster County Board of Commissioners, a text amendment to Article 7.007 of the Lancaster County Zoning Resolution to provide a specific parking requirement for “mini-storage” use in the County “B” Business District. (See New Business Item 5A for correlating documentation.)**

The Vice Chair opened the public hearing and asked if anyone wished to provide testimony.

Mike DeKalb, Planning Department, appeared and gave a brief overview of the Change of Zone.

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **OLD BUSINESS:**

- A. A resolution in the matter of adopting procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer or conveyance of property in Lancaster County, Nebraska. (R-06-0005)**

The Vice Chair noted that the County Attorney’s Office would need to incorporate changes into the resolution.

Discussion took place regarding the definition of family members, with Board consensus to include parents, grandparents, children, grandchildren, including adopted children and step children, spouses and siblings.

Hudkins suggested the fee be reduced from \$100 to \$75.

4) **OLD BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded to direct the County Attorney's Office to draft a resolution regarding the adoption of procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer or conveyance of property and to include language regarding the transfer of ownership between family members (parents, grandparents, children, grandchildren and siblings); exempting wells or systems which are less than three years old or those which have been inspected within the past three years; exemption due to inclement weather and to reduce the fee for evaluation and review conducted by the Health Department from \$100 to \$75. Stevens, Workman and Hudkins voted aye. Motion carried.

B. A grant contract with the Rape Spouse Abuse Crisis Center to provide funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic violence and dating violence, including assistance to such victims in immigration matters, in the amount of \$45,619. Term of the grant contract is January 1, 2006 to December 31, 2006. (C-06-0039)

MOTION: Stevens moved and Hudkins seconded approval of a grant contract with the Rape Spouse Abuse Crisis Center to provide funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic violence and dating violence, including assistance to such victims in immigration matters, in the amount of \$45,619. Workman, Hudkins and Stevens voted aye. Motion carried.

C. A grant contract with the Malone Community Center for management of the Drug Education for Youth (DEFY) Project, in the amount of \$10,000. Term of the grant contract is July 1, 2005 to June 30, 2006. (C-06-0040)

MOTION: Stevens moved and Hudkins seconded approval of a grant contract with the Malone Community Center for management of the Drug Education for Youth (DEFY) Project, in the amount of \$10,000. Workman, Stevens and Hudkins voted aye. Motion carried.

4) OLD BUSINESS CONTINUED:

D. An agreement with Murphy Tractor and Equipment Company, Inc. for three motor graders complete with trade-in allowance for the County Engineer, in the amount of \$423,552. Murphy Tractor will pay for all costs of repair, including parts and labor, in excess of \$5,500 per unit during the next seven years and the guaranteed repurchase of \$83,000 per motor grader after seven years. (C-06-0041)

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Murphy Tractor and Equipment Company, Inc. for three motor graders complete with trade-in allowance for the County Engineer, in the amount of \$423,552. Hudkins, Workman and Stevens voted aye. Motion carried.

E. Utility Permit No. 792 allowing the City of Lincoln to construct a 16 inch water line on the east side of South 40th Street from Yankee Hill Road to Rokeby Road. (C-06-0043)

MOTION: Hudkins moved and Stevens seconded approval of Utility Permit No. 792 allowing the City of Lincoln to construct a 16 inch water line on the east side of South 40th Street from Yankee Hill Road to Rokeby Road. Stevens, Workman and Hudkins voted aye. Motion carried.

F. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Joseph A. Mara, in the amount of \$3,229, on West "A" Street from Southwest 84th Street to the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). (C-06-0045)

MOTION: Stevens moved and Hudkins seconded approval of a right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Joseph A. Mara, in the amount of \$3,229, on West "A" Street from Southwest 84th Street to the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). Workman, Stevens and Hudkins voted aye. Motion carried.

G. Receive and Place on File:

1. County Clerk's Monthly Report for January, 2006.
2. Lancaster Manor's Monthly Report.
3. Sheriff's Report of Fees for December, 2005.

4) **OLD BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval to receive and place on file the County Clerk's Monthly Report for January, 2006; Lancaster Manor's Monthly Report and the Sheriff's Report of Fees for December, 2005. Hudkins, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS:**

A. A resolution in the matter of County Change of Zone No. 05086, a text amendment to Article 7.007 of the Lancaster County Zoning Resolution to add a specific parking requirement for mini-storage facilities in the "B" Business District. (R-06-0006)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 06-0006 in the matter of County Change of Zone No. 05086, a text amendment to Article 7.007 of the Lancaster County Zoning Resolution to add a specific parking requirement for mini-storage facilities in the "B" Business District. Stevens, Workman and Hudkins voted aye. Motion carried.

B. A resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-06-0007)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 06-0007 in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. Hudkins, Stevens and Workman voted aye. Motion carried.

C. An application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a wedding reception to be held on Saturday, April 29, 2006 from 4 p.m. to 1 a.m. at the Waverly Foundation Hall, located at 11120 North 141st Street in Lancaster County, Nebraska.

Mike Budzinski, applicant, appeared to answer questions.

MOTION: Stevens moved and Hudkins seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a wedding reception to be held on Saturday, April 29, 2006 from 4 p.m. to 1 a.m. at the Waverly Foundation Hall, located at 11120 North 141st Street in Lancaster County, Nebraska. Stevens, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. An agreement between Lancaster County, on behalf of the Community Mental Health Center, and Jack Buehler, for a certified alcohol and drug abuse counselor (CADAC) to provide substance abuse assessments for the Crisis Center at a rate of \$100 per evaluation. The agreement is effective upon execution by both parties and will continue until June 30, 2006. (C-06-0047)

MOTION: Stevens moved and Hudkins seconded approval of an agreement between Lancaster County, on behalf of the Community Mental Health Center, and Jack Buehler, for a certified alcohol and drug abuse counselor (CADAC) to provide substance abuse assessments for the Crisis Center at a rate of \$100 per evaluation. Hudkins, Stevens and Workman voted aye. Motion carried.

E. A contract with Theisen Construction Company, in the amount of \$19,698.60, for the repair of County bridge C-91, located on Raymond Road near North 1st Street; Project No. 06-24. The work will begin on February 6, 2006 and be completed by April 21, 2006. (C-06-0048)

MOTION: Hudkins moved and Stevens seconded approval of a contract with Theisen Construction Company, in the amount of \$19,698.60, for the repair of County bridge C-91, located on Raymond Road near North 1st Street; Project No. 06-24. Workman, Hudkins and Stevens voted aye. Motion carried.

F. Acceptance and approval of the temporary retirement incentive program application and agreement with Daniel Alit.

MOTION: Hudkins moved and Stevens seconded approval of the acceptance and approval of the temporary retirement incentive program application and agreement with Daniel Alit. Workman, Stevens and Hudkins voted aye. Motion carried.

G. Acceptance and approval of the temporary retirement incentive program application and agreement with Laura Webber.

MOTION: Stevens moved and Hudkins seconded approval of the acceptance and approval of the temporary retirement incentive program application and agreement with Laura Webber. Hudkins, Stevens and Workman voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Assessor/Register of Deeds Monthly Report for January, 2006.
2. Lancaster County Cooperative Extension's Annual Report for October 1, 2004 through September 30, 2005.
3. Records and Information Management's Monthly Report for January, 2006.
4. Annual Report for 2005 from the Nebraska Department of Roads.

B. Setting of a public hearing for Tuesday, March 7, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution No. R- 00-148, adopted December 12, 2000, for which the County Clerk has received no protests.

C. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Jean and Fred Nabity, in the amount of \$882.50, on West "A" Street from Southwest 84th Street to the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). (C-06-0049)

MOTION: Stevens moved and Hudkins seconded approval of the Consent Items. Workman, Hudkins and Stevens voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:30 p.m.. Workman, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 14, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Deb Schorr, Vice Chair
Bernie Heier

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 31, 2006.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on January 31, 2006. Hudkins and Workman voted aye. Stevens abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 73 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins and Stevens voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Developmental Services of Nebraska, Inc.
Family Service Association of Lincoln
Nebraska United Methodist Foundation
Seventh-day Adventist Schools of Lincoln**

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle tax exemptions. Workman, Stevens and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:32 p.m.. Workman, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk